

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

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| MICHAEL COREY JENKINS, <i>et al</i> | : | |
| | : | |
| Plaintiffs, | : | |
| | : | Civil Action No. |
| v. | : | 3:23-cv-374-DPJ-FKB |
| | : | |
| | : | |
| RANKIN COUNTY, MISSISSIPPI, <i>et al.</i>, | : | |
| | : | |
| Defendants. | : | |

**PLAINTIFFS' RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION FOR
LEAVE TO FILE SUPPLEMENTAL EXHIBIT IN SUPPORT OF THEIR RENEWED
MOTION OF FOR JUDGMENT ON THE PLEADINGS PREMISED, IN PART, ON
QUALIFIED IMMUNITY**

1. Comes now the plaintiffs, by and through counsel, and hereby submit this Response in Opposition to Defendant's Supplement Motion For Leave To File Supplemental Exhibit In Support Of Their Renewed Motion Of For Judgment On The Pleadings Premised, In Part, On Qualified Immunity [Doc. 60].
2. Defendant's Motion for Leave attempts to introduce the Order Granting Summary Judgment in the State Case of *Lee v. Rankin County 22-073*.
3. Plaintiff opposes Defendant's Motion for the following reasons:
 - a) The defendant's exhibit is not material to the evaluation of Plaintiffs Amended Complaint.
 - b) Plaintiff's Amended Complaint is not in any respect solely dependent on the cause of action, or the affidavit described in paragraph 2 of defendant's Motion.
 - c) The case *Lee v. Rankin County 22-073* is not persuasive authority which

could be considered by this Court.

- d) The State Court, in reaching its conclusion in *Lee* utilized a completely different standard of evaluation in comparison to the current Renewed Motion at hand. In specific, qualified immunity is not available to an officer convicted of criminal assault during the course of an encounter with a citizen.

Wherefore, for the reasons stated herein and in the record of this proceeding, the plaintiffs urge the Court to deny defendants' Motion for Leave.

Respectfully submitted on 5/31/ 2024 by:

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